

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

Claim 12 has been amended. Claims 14 and 15 have been added.

Claims 1-5 and 12-13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Irube (U.S. Patent No. 6,377,818) in view of Charlier (U.S. Patent No. 6,224,063) and Harris (U.S. Patent No. 5,438,436). For the following reasons, the Examiner's rejection is respectfully traversed.

There is no suggestion or motivation for one skilled in the art at the time the invention was made to combine Irube and Charlier with Harris to arrive at the claimed invention. In Irube, a display image is processed in order to match the video display direction of a local video telephone and a second communicating distant video telephone. There is no suggestion or motivation in Irube to scan or send faxes or to rotate stored images of such faxes. In Charlier, alphanumeric and graphical messages are displayed on a display based on the orientation of the portable electronic device. There is no suggestion or motivation in Charlier to scan or send faxes or to rotate stored images of such faxes. Thus, there is no need or motivation to look at or use the Harris facsimile elements in order to modify Irube or Charlier. Also, no showing in the Office action has been made of a suggestion or motivation in Irube, Charlier, or Harris to make the proposed modification. Therefore, one skilled in the art would not have combined these references at the relevant time to arrive at the claimed invention. Reconsideration and

withdrawal of the rejection, based upon the combination of references is respectfully requested.

Furthermore, none of the references disclose or suggest “a rotating means for rotating the orientation of an image of said transmit picture signal . . . based on the detected orientation of the video telephone apparatus and independent of the orientation of a distant party video telephone apparatus,” as recited by claim 1. Similar language is found in claim 12.

In Irube, the holding direction or orientation of a first local video telephone is compared with the orientation of a second communicating distant video telephone. If the orientations of the first and second telephones are different, then the Irube controller processes a display image in order to match the video display directions of the telephones. Thus, while Irube teaches using orientation information as a basis for processing a video to be transmitted, Irube also teaches that this orientation information must be compared to orientation information of the phone with which it is communication in order to perform the video processing. Therefore, Irube does not disclose or suggest a transmit image rotating means for performing rotation processing on a transmit picture signal based on the orientation of the video telephone apparatus and independent of the orientation of a distant party video telephone apparatus.

Charlier does not teach rotation of a transmit image at all, since no image in Charlier is transmitted. Therefore, Charlier does not disclose or suggest a transmit image rotating means for performing rotation processing on a transmit picture signal based on the orientation of the video telephone apparatus and independent of the orientation of a distant party video telephone apparatus.

Harris discloses scanning information from a randomly-oriented paper to be faxed and storing it as a video image. In Harris, an image processor looks for the long axis line of the video

image, and then the image is rotated to place the long axis line in a direction precisely perpendicular to the direction of scanning so the image is in the proper facsimile orientation, with the short axis parallel to the scanner line. Harris also discloses determining the orientation of the image by counting how many characters have been recognized in a representative portion of the page in memory, and shifting the image until 99% of the characters are recognized. Thus, Harris only rotates the video image based on the characteristics of the video image. Harris fails to disclose or suggest that the video image is rotated based on the detected orientation of the fax machine. Therefore, Harris does not disclose or suggest a transmit image rotating means for performing rotation processing on a transmit picture signal based on the orientation of the video telephone apparatus and independent of the orientation of a distant party video telephone apparatus. Thus, every limitation of claim 1 and claim 12 is not taught or suggested by any combination of Irube, Charlier, and Harris.

For all the reasons stated above, even if combined, Irube, Charlier, and Harris do not disclose or suggest all the elements of claim 1 and claim 12. Thus, claim 1 and the respective dependent claims 2-5 are patentable over the prior art of record, and claim 12 and the respective dependent claim 13 are patentable over the prior art of record.

Claims 6-11 were rejected under 35 U.S.C. 103(a) over Irube in view of Charlier and Harries, and in further view of Lands et al. (U.S. Patent No. 6,411,828). For the reasons stated above, each and every limitation of claim 1, from which the rejected claims depend, is not taught or suggest by a combination of Irube, Charlier, and Harries as required. Lands does not teach or suggest the deficiencies of Irube, Charlier, Harris as stated above. Therefore, even if Irube, Charlier, Harries and Lands were combined, every limitation of claim 1 would not be taught or

Appl. No. 09/807,143
Amdt. Dated February 3, 2005
Reply to Office action of November 30, 2004

suggested. Thus, claims 6-11, which depend from claim 1, are patentable over the prior art of record.

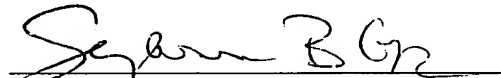
In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any fees resulting from this communication, please charge the same to our Deposit Account No. 16-0820, our Order No. 33483.

Respectfully submitted,

PEARNE & GORDON LLP

By:


Suzanne B. Gagnon, Reg. No. 48924

1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700

Date: February 3, 2005